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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 AUG 18 AM 11:55

UNITED STATES OF AMERICA,

Magistrate Docket No.

'08 MJ 2543

CLERK'S OFFICE - U.S. DIST. COURT
SOUTHERN DISTRICT OF CALIFORNIA

Plaintiff,

COMPLAINT FOR VIOLATION OF:

DEPUTY

v.

Title 8, U.S.C., Section 1326

Tino GALLEGOS-Valenzuela,

Deported Alien Found in the
United States

Defendant

The undersigned complainant, being duly sworn, states:

On or about **August 15, 2008** within the Southern District of California, defendant, **Tino GALLEGOS-Valenzuela**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Ismael A. Canto

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 18th DAY OF AUGUST 2008



Barbara L. Major

UNITED STATES MAGISTRATE JUDGE

DOA
Histos
LNUX

CONTINUATION OF COMPLAINT:**Tino GALLEGOS-Valenzuela****PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

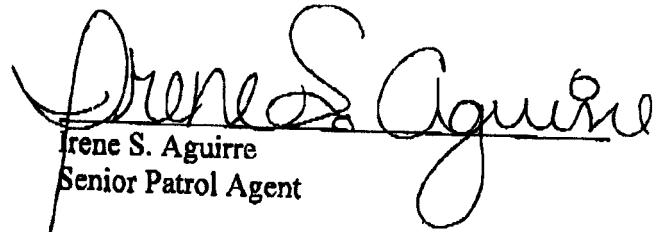
On August 15, 2008, San Diego Police Department's Traffic Patrolman R. Perez made a vehicle stop at the corner of Myrtle and 43rd Street in San Diego, California. The traffic stop revealed that the registration of the vehicle was expired, and that the individual driving the vehicle was not in possession of proper documents to operate the vehicle. Officer Perez ran checks on the individual and then contacted Customs and Border Protection Border Patrol Dispatch for an evaluation as to the citizenship and nationality of the detained person based on the information received. Dispatch announced via the Border Patrol service radio that the San Diego Police Department was in need of an evaluation, and that the San Diego Police Department Officer stated that their records checks show that the person apprehended was an aggravated felon who had been previously deported by Customs and Border Protection, Border Patrol.

At approximately 10:30 a.m., Acting Supervisor Border Patrol Agent A. Purkett contacted the Brown Field Border Patrol Dispatcher to confirm the location of the apprehended individual, later identified as the defendant **Tino GALLEGOS-Valenzuela**, and to advise San Diego Police Department of the estimated time of arrival. Upon arrival at 43rd Street and Myrtle, Agent Purkett met with Officer Perez. Officer Perez explained why the defendant was stopped and that the defendant's record checks revealed that he was an aggravated felon.

Agent Purkett identified himself as a Border Patrol Agent in the English and Spanish languages. Agent Purkett then questioned the defendant regarding his country of citizenship and if he had legal immigration documents that allowed him to be in the United States legally. The defendant freely admitted that he is a citizen and national of Mexico, illegally in the United States and not in possession of any documents that would allow him to remain in the United States. The defendant was placed under arrest and transported to the Brown Field Border Patrol station for further processing.

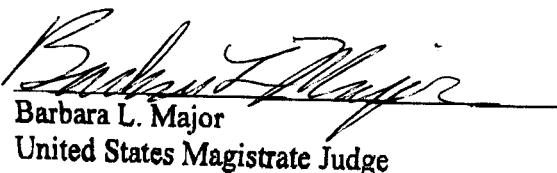
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on January 23, 2002 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on August 16, 2008 at 10:00 a.m.



Irene S. Aguirre
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on August 15, 2008, in violation of Title 8, United States Code, Section 1326.



Barbara L. Major
United States Magistrate Judge

8/16/08 at 10:39 am
Date/Time